IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.657 OF 2006

1. Arvind Balkrishna Ekbote, & ors, Petitioners
Vs
1.The State of Maharashtra and anr Respondents.

Mr Vaibhav Patankar, for the petitioners.
Mr A.S.Shitole, APP for the respondent-State.
Mrs Ragini Arvind Ekbote, respondent no.2 in-person present.

CORAM : D.B.BHOSALE, J.

DATED : 3rd August, 2006

P.C.:

1. Heard the learned counsel for the parties.

2. By this petition, the petitioners have prayed for quashing of the criminal case (R.C.C.) No.15 of 1996 pending against them before the learned J.M.F.C. No.9, Pune, under section 498-A of IPC. The case was filed at the instance of the respondent-wife. Petitioner no.1-husband and respondent-wife are present in the court. It appears that this court vide order dated 1.3.06 disposed of Family Court Appeal No.159 of 2005 in terms of the consent terms. paragraph 2 of the consent terms reads thus

> "2. In view of the above that decree for divorce dated 15.9.2005 is confirmed in this appeal. The respondent-wife shall withdraw the complaint u/s 498-A of IPC, i.e. 15/1996. the appellant and the other accused in the

> aforesaid criminal complaint shall move an application for quashing of the said criminal complaint, in view of the fact that decree of divorce dated 15th Sept 2005 is confirmed and has attained finality and that the respondent has withdrawn complaint u/s 498-A against all the accused, the respondent-wife shall not raise any objection for the said application."

In pursuance of the aforesaid term in the consent terms, the petitioners have filed the present writ petition. The respondent-wife has filed affidavit dated 3.8.06. The affidavit is taken on record. Considering the order passed by this Court in the family court appeal and the averments in the present writ petition as also the affidavit filed by the respondent-wife and keeping in view the Judgment of Apex Court in **B.S.Joshi and Anr. Vs. State of Haryana and Anr. 2003(4) SCC 675**, Criminal Case No.15 of 1996 is quashed and set aside. The writ petition is disposed of.

(D.B.BHOSALE,J.)